

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hirokazu Suzu

Application No.: 10/658,889
Filed: September 10, 2003
For: TELEVISION RECEIVER

Confirmation No.: 3207
Art Unit: 2623
Examiner: J. R. Schnurr

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Claims 3-10 are pending in this application and stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 7,134,131 ("Hendricks"). Applicant respectfully asserts that the Examiner has failed to satisfy the requirements set forth in MPEP § 2131. Specifically, the MPEP § 2131 makes it clear that a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. Applicant respectfully asserts Hendricks neither shows, nor suggests, all of the limitations of the claims.

Independent claim 3 requires, in part, "a watching reserving executing section operable to automatically cause the display control section to display the broadcasted image in the display section, *in a case where the one of the channels designated by the watching reserving information is selected when the watching starting time designated by the watching reserving*

information is reached, and the synthesized image is displayed in the display section.” Also, independent claim 4 requires, in part, a watching reserving executing section operable to automatically cause the display control section to reduce the size of the OSD image, *in a case where the one of the channels designated by the watching reserving information is selected when the watching starting time designated by the watching reserving information is reached, and the synthesized image is displayed in the display section.*

Thus, independent claims 3 and 4 each require that in a case where the one of the channels designated by the watching reserving information (*that is reserved in advance*) is selected when the watching starting time is reached, the synthesized image is displayed. Such a control process enables the prevention of a user from missing his/her desired program that he/she reserved in advance (see, for example, paragraph [0006] of the published application).

A. Hendricks fails to disclose at least the limitation “in a case where the one of the channels designated by the watching reserving information is selected when the watching starting time is reached, the synthesized image is displayed.”

Hendricks shows an “automatic tune” command as a function of a TV program guide system. However, the “automatic tune” merely tunes a preset channel prior to the start time of the program (*see, column 33, lines 5-8 in Hendricks*). In Hendricks, in cases where the preset channel is selected when the watching starting time is reached, a synthesized image is not displayed as required in the claimed invention. Instead, in Hendricks, in cases where the preset channel is selected when the watching starting time is reached, the user does not notice that the

broadcast program of the preset channel has been started and may miss his/her desired program (see, paragraph [0006] of the published application).

B. The Examiner is mischaracterizing Hendricks in asserting that it teaches or suggests at least the limitation “in a case where the one of the channels designated by the watching reserving information is selected when the watching starting time is reached, the synthesized image is displayed.”

In the Advisory Action noticed on October 31, 2007, the Examiner asserts, relying on the column 22, line 36-40 in Hendricks, that the authorization system 179 shown in Hendricks may provide authorization codes for two or more programs that air at the same time and synthesize a display consisting of both programs, i.e., picture in picture. However, in the part of the specification that the Examiner cites, Hendricks is completely silent about controlling information reserved in the past, such as time or channel reservation for a specific program. Instead, Hendricks merely teaches a configuration for displaying local authorization codes or reduced-in-size pictures for two or more programs that air at the same time. Accordingly, Hendricks neither teaches, nor suggests, any control logic depending on the time at which a reserved watching time has been reached and depending on a channel that was reserved in the past. Therefore, according to the system of Hendricks, a viewer merely can select a program with reference to the alternative displayed on screen that the viewer will be able to watch in the future, but can never be reminded of the start of the program that he/she reserved in the past.

In fact, none of the features of the system shown in Hendricks can achieve such a technical advantage of the claimed invention. That is, the system of Hendricks does not have the capability of preventing a user from missing his/her desired program that he/she reserved in

advance. Thus, Hendricks necessarily fails to teach or suggest at least the feature of the claimed invention associated with the above technical advantage.

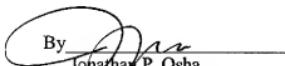
In view of the above, Hendricks neither shows, nor suggests, that in a case where the one of the channels designated by the watching reserving information is selected when the watching starting time is reached, the synthesized image is displayed, as required by the claimed invention.

C. The Examiner has clearly failed to satisfy the requirements in MPEP § 2131.

In view of the above, the Examiner has clearly failed to satisfy all of the requirements set forth in MPEP § 2131 with respect to the pending claims. Accordingly, a favorable decision from the panel is respectfully requested.

Dated: December 14, 2007

Respectfully submitted,

By 

Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant